

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARY BETH CADLE, *et al.*,

Plaintiffs,

v.

MICHAEL SHELTON, *et al.*,

Defendants.

Case No. 2:11-CV-00787

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Norah M. King

ORDER

Plaintiffs Mary Beth Cadle, Nationwide Life Insurance Company, and Benefits Administrative Committee, Plan Administrator of the Nationwide-Sponsored Health and Welfare Employee Benefits Plans (hereinafter collectively “Nationwide”), bring this interpleader action requesting determination of the proper beneficiary of Shawna Moseley’s life and accidental insurance benefits under Nationwide’s Death Benefit Plan. Nationwide attached the Death Benefit Plan, restated as of September 1, 2000 (ECF No. 1-1, hereinafter the “Plan”), to the Complaint. The Plan, however, expressly incorporates and relies upon “[t]he terms and conditions of the Insurance Policy and Accident Policy” (Plan 2, ECF No. 1-1.) More specifically, and of particular relevance, the Plan’s “Payment of Claims” section states that “[p]ayment for claims will be made according to the rules stated in the Insurance Policy and Accident Policy” (*Id.* at 9.) Neither the Insurance Policy or the Accident Policy are currently before the Court.

Accordingly, to assist with resolution of currently pending matters, Nationwide is **DIRECTED** to produce to the Court authenticated copies of the relevant policies that the Plan

incorporates. Additionally, Nationwide is **DIRECTED** to produce to the Court any documentation they possess regarding Shawna Moseley's selection—or non-selection—of a beneficiary under the Plan **WITHIN SEVEN (7) DAYS** of the date of this Order.¹ Nationwide should provide an affidavit from the proper custodian if no such documentation exists.

IT IS SO ORDERED.

1-2-2013
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

¹ Nationwide should include an affidavit from the proper custodian authenticating any such documentation.